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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,765	03/31/2004	Michael Paul Robinson	40062.0234US01	8906

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EXAMINER	
SUAREZ, FELIX E	
ART UNIT	**PAPER NUMBER**
2857	

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

EK

Office Action Summary	Application No.	Applicant(s)	
	10/814,765	ROBINSON ET AL.	
	Examiner	Art Unit	
	Felix E. Suarez	2857	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 October 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-8,10-17,19,20,22-27 and 29* is/are rejected.

7)☒ Claim(s) *2,9,18,21 and 28* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *31 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *12October2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 10-12 and 29 are rejected under 35 U.S.C. 102(b) as being unpatentable over Whitman (U.S. Patent No. 5,909,504).

With respect to claims 10 and 29, Whitman teaches a method (or system) for automated testing, comprising:

receiving an invocation request to invoke a test method for testing an electronic system (see col. 129 lines, 5-18);

evaluating attributes that are associated with the requested test method such that the attributes are evaluated before execution of the requested test method and that the attributes are evaluated in response to the invocation request (see col. 9, lines 29-46 and col. 129, lines 62-67);

executing the requested test method in response to the evaluating of the attributes (see col. 6, lines 2-19);

evaluating attributes that are associated with the executed test method (see col. 3, lines 55-59 and col. 6, lines 50-61); and

determining a result value that signals the result of the evaluation of the executed test method attributes (see col. 3, lines 55-59 and col. 6, lines 50-61).

With respect to claim 11, Whitman further teaches that, the invocation request is received from a test harness (see col. 5, lines 34-39).

With respect to claim 12, Whitman further teaches that, the result value is returned to the test harness (see col. 6, lines 50-61).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 3, 5-8,19, 20, and 22, 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitman (U.S. Patent No. 5,909,504) in view of Volkov et al. (U.S. Patent No. 6,839,647).

With respect to claims 1 and 20, Whitman teaches a computer-readable medium having computer-executable components (or system), comprising:

a test case scenario object that comprises a test method that is arranged to test an electronic system (see col. 5, lines 4-17 and col. 129, lines 5-18);

a test harness that is arranged to invoke the test method by issuing a request to invoke the test method (see col. 130, lines 4-20).

Whitman does not teach:

a test method executor that is arranged to receive the request and invoke the requested test method.

But Volkov also teaches that, the test harness is executed in harness JVM, which is separate from the JVM wherein the test will be executed. Generally, the test harness is initiated with a test suite comprising a plurality of tests. The actual test files can be stored on a storage device local to the computer system executing the actual tests (see Volkov; col. 5 line 66 to col. 6 line 6).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Whitman to include the virtual machine agent as taught by Volkov, because the virtual machine agent of Volkov includes the JVM capable to invoke the test, to receive the test and to execute the test, as desired.

Whitman further teaches; evaluating attributes that are associated with the requested test method before execution of the requested test method, to execute the requested test method (see Whitman; col. 3, lines 26-30 and col. 9, lines 29-46), to evaluate attributes of the executed test method, and to return a result to

the test harness that signals the result of the evaluation of the executed test method attributes (see col. 6, lines 42-61).

With respect to claims 3, 19 and 22, Whitman in combination with Volkov teaches all the features of the claimed invention, and Whitman further teaches that, the result signals whether the execution of the requested test method is one of a success, failure, and skipped status (see col. 6, lines 8-19).

With respect to claims 5 and 24, Whitman in combination with Volkov teaches all the features of the claimed invention, and Whitman further teaches that, the test case scenario object is arranged to request a test service by querying a test services provider object (see col. 5, lines 50-67).

With respect to claims 6 and 25, Whitman in combination with Volkov teaches all the features of the claimed invention, and Whitman further teaches that, the attributes that are associated with the requested test method are presented to the test method executor as an ordered list (see col. 9, lines 36-41).

With respect to claims 7 and 26, Whitman in combination with Volkov teaches all the features of the claimed invention, and Whitman further teaches that, the test method executor evaluates the attributes that are associated with

the requested test method according to the order of the ordered list (see col. 3, lines 7-21).

With respect to claims 8 and 27, Whitman in combination with Volkov teaches all the features of the claimed invention, and Whitman further teaches that, the test method executor is further configured to generate a parameter list in response to the before execution evaluation of the attributes that are associated with the requested test method (see col. 6, lines 26-41).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitman (U.S. Patent No. 5,909,504) in view of Giel et al. (U.S. Patent Application Publication No. 2002/0169734).

With respect to claim 13, Whitman teaches all the features of the claimed invention, except that Whitman does not teach gathering data about the requested test method for the test harness.

But Giel et al. (hereafter Giel) teaches in collectors-gathering configuration information that, the collectors are created and used to gather configuration information and feed that information into a tracker database (see Giel; page 7 paragraphs [0113]-[0114]).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Whitman to include collectors-gathering configuration information as taught by Giel, because collectors-gathering configuration information of Giel allows to gather configuration information and feed that information into a tracker database, as desired.

With respect to claims 14 and 15 Whitman in combination with Giel teaches all the features of the claimed invention, and Whitman further teaches that, the test case scenario object is arranged to request a test service by querying a test services provider object (see col. 5, lines 50-67).

With respect to claim 16, Whitman in combination with Giel teaches all the features of the claimed invention, and Whitman further teaches comprising determining the order in which the test method is executed (see col. 5, lines 40-49).

With respect to claim 17, Whitman in combination with Giel teaches all the features of the claimed invention, and Whitman further teaches, the order is determined by the test case scenario object (see col. 5, lines 50-61).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 4 and 23, are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitman (U.S. Patent No. 5,909,504) in view of Volkov et al. (U.S. Patent No. 6,839,647) and Giel et al. (U.S. Patent Application Publication No. 2002/0169734).

With respect to claims 4 and 23, Whitman in combination with Volkov teaches all the features of the claimed invention, except that Whitman in combination with Volkov do not teach that, the test method executor is further arranged to gather data about the requested test method for the test harness.

But Giel et al. (hereafter Giel) teaches in collectors-gathering configuration information that, the collectors are created and used to gather configuration information and feed that information into a tracker database (see Giel; page 7 paragraphs [0113]-[0114]).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination Whitman with Volkov to include collectors-gathering configuration information as taught by Giel, because collectors-gathering configuration information of Giel allows to gather configuration information and feed that information into a tracker database, as desired.

Allowable Subject Matter

5. Claims 2, 9, 18, 21 and 28, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter:

Claims 2 and 21, would be allowable over the prior art for at least the reason that the prior art fail to teach or suggest:

wherein the test method executor comprises a state engine that is arranged to process data that is presented by the attributes that are associated with the requested test method.

Claims 9, 18 and 28, would be allowable over the prior art for at least the reason that the prior art fail to teach or suggest:

comprising returning a result to the test harness that signals a status that results when an exception is thrown.

Conclusion

Prior Art

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

McGeer et al. [U.S. Patent No. 6,244,121] describes a test harnesses for integrated circuits.

Brayton et al. [U.S. Patent No. 6,823,280] describes a test system using wiring harnesses.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Felix Suarez, whose telephone number is (571) 272-2223. The examiner can normally be reached on weekdays from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on (571) 272-2216. The fax phone numbers for the organization where this application or proceeding is assigned is 571-273-8300 for regular communications and for After Final communications.

September 27, 2005

F.S.

MARC S. HOFF
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800